



## 98TH GENERAL ASSEMBLY

### State of Illinois

### 2013 and 2014

#### HB2558

by Rep. John E. Bradley

#### SYNOPSIS AS INTRODUCED:

35 ILCS 620/2a.1

from Ch. 120, par. 469a.1

Amends the Public Utilities Revenue Act. Provides that a provision of the Act requiring the Department to issue credits to taxpayers if the total amount received by the Department exceeds \$145,279,553 plus an amount equal to the lesser of (i) 5% or (ii) the percentage increase in the Consumer Price Index during the immediately preceding taxable period of the total amount received by the Department for the immediately preceding taxable period applies only for taxable periods ending on or before December 31, 2012. Effective immediately.

LRB098 10529 HLH 40767 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning revenue.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Public Utilities Revenue Act is amended by  
5 changing Section 2a.1 as follows:

6 (35 ILCS 620/2a.1) (from Ch. 120, par. 469a.1)

7 Sec. 2a.1. Imposition of tax on invested capital and on  
8 distribution of electricity.

9 (a) In addition to the tax imposed by the Illinois Income  
10 Tax Act, there is hereby imposed upon every taxpayer (other  
11 than an electric cooperative, a school district or unit of  
12 local government as defined in Section 1 of Article VII of the  
13 Illinois Constitution of 1970), an additional tax as follows:

14 (i) For the first 500,000,000 kilowatt-hours  
15 distributed by the taxpayer in this State during the  
16 taxable period, 0.031 cents per kilowatt-hour;

17 (ii) For the next 1,000,000,000 kilowatt-hours  
18 distributed by the taxpayer in this State during the  
19 taxable period, 0.050 cents per kilowatt-hour;

20 (iii) For the next 2,500,000,000 kilowatt-hours  
21 distributed by the taxpayer in this State during the  
22 taxable period, 0.070 cents per kilowatt-hour;

23 (iv) For the next 4,000,000,000 kilowatt-hours

1 distributed by the taxpayer in this State during the  
2 taxable period, 0.140 cents per kilowatt-hour;

3 (v) For the next 7,000,000,000 kilowatt-hours  
4 distributed by the taxpayer in this State during the  
5 taxable period, 0.180 cents per kilowatt-hour;

6 (vi) For the next 3,000,000,000 kilowatt-hours  
7 distributed by the taxpayer in this State during the  
8 taxable period, 0.142 cents per kilowatt-hour; and

9 (vii) For all kilowatt-hours distributed by the  
10 taxpayer in this State during the taxable period in excess  
11 of 18,000,000,000 kilowatt-hours, 0.131 cents per  
12 kilowatt-hour.

13 (b) There is imposed on electric cooperatives that are  
14 required to file reports with the Rural Utilities Service a tax  
15 equal to 0.8% of such cooperative's invested capital for the  
16 taxable period. The invested capital tax imposed by this  
17 subsection shall not be imposed on electric cooperatives not  
18 required to file reports with the Rural Utilities Service.

19 (c) If, for any taxable period ending on or before December  
20 31, 2012, the total amount received by the Department from the  
21 tax imposed by subsection (a) exceeds \$145,279,553 plus, for  
22 taxable periods subsequent to 1998, an amount equal to the  
23 lesser of (i) 5% or (ii) the percentage increase in the  
24 Consumer Price Index during the immediately preceding taxable  
25 period, of the total amount received by the Department from the  
26 tax imposed by subsection (a) for the immediately preceding

1 taxable period, determined after allowance of the credit  
2 provided for in this subsection, the Department shall issue  
3 credit memoranda in the aggregate amount of the excess to each  
4 of the taxpayers who paid any amount of tax under subsection  
5 (a) for that taxable period in the proportion which the amount  
6 paid by the taxpayer bears to the total amount paid by all such  
7 taxpayers. This calculation shall be made as of December 1 of  
8 the year following the immediately preceding taxable period and  
9 shall consist of only those returns with payment then on file  
10 with the Department. All future amendments to returns and  
11 monies covering this period received after December 1 of the  
12 year following the taxable period will not be included in the  
13 calculation of the affected taxable period or any other taxable  
14 period. The provisions of this subsection are not subject to  
15 the Uniform Penalty and Interest Act. Any credit memorandum  
16 issued to a taxpayer under this subsection may be used as a  
17 credit by the taxpayer against its liability in future taxable  
18 periods for tax under subsection (a). Any amount credited to a  
19 taxpayer shall not be refunded to the taxpayer unless the  
20 taxpayer demonstrates to the reasonable satisfaction of the  
21 Department that it will not incur future liability for tax  
22 under subsection (a). The Department shall adopt reasonable  
23 regulations for the implementation of the provisions of this  
24 subsection.

25 (Source: P.A. 90-561, eff. 1-1-98; 90-624, eff. 7-10-98;  
26 91-357, eff. 7-29-99.)

1           Section 99. Effective date. This Act takes effect upon  
2           becoming law.